UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1400
3 August 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1400th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 July 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

CONTENTS

OPENING OF THE SESSION

STATEMENT BY THE CHIEF OF THE SUPPORT SERVICES BRANCH, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

ADOPTION OF THE AGENDA

ORGANIZATIONAL AND OTHER MATTERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-43623 (E)

The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the fifty-seventh session of the Committee on the Elimination of Racial Discrimination. He welcomed Mr. Gaham, Chief of the Support Services Branch, Office of the High Commissioner for Human Rights and invited him to address the Committee.

STATEMENT BY THE CHIEF OF THE SUPPORT SERVICES BRANCH, OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. GAHAM (Chief, Support Services Branch) commended the spirit of flexibility that had been ever-present in the Committee's methods of work and would undoubtedly contribute to the success of the current session.

3. With the recent ratification by Liechtenstein the number of States parties to the Convention had reached 156. Portugal had also made the declaration under article 14 of the Convention, thus bringing to 30 the number of States parties that had made the declaration. Liechtenstein and Bahrain had accepted the amendment to article 8 of the Convention, the 26th and 27th countries respectively to do so.

4. With regard to developments in the Office of the High Commissioner for Human Rights, he said that, as part of the planned two-year programme designed to improve the servicing of the treaty monitoring system, a petition team was to be established to deal with individual procedures under the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. The overall purpose was to monitor recommendations made by treaty bodies, increase efficiency, coordinate work, share legal expertise and develop comparative analyses of treaty body jurisprudence.

5. The twelfth meeting of the chairpersons of the human rights treaty bodies had been held at the beginning of June. The Chairman would certainly provide detailed information on the conclusions and recommendations adopted at that meeting.

6. Turning to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, he said that at its first session in May 2000, attended by two members of the Committee, the Preparatory Committee had decided to establish an inter-sessional working group, which would meet in Geneva in January 2001, to draw up the draft agenda, together with a draft declaration and programme of action. The working group would also review the question of the participation of representatives from the least developed countries in both the Preparatory Committee process and the World Conference itself, and also the matter of broader representation of non-governmental organizations (NGOs). In addition, a cycle of regional expert seminars had begun, the first one having been held in Warsaw in the first week of July on the Protection of Minorities and other Vulnerable Groups and Strengthening Human Rights Capacity at the National Level. Expert seminars were also planned in Bangkok, Addis Ababa and Santiago in the autumn. The seminars would be accompanied by regional preparatory

meetings for the different continents from October 2000 to February 2001. He encouraged the Committee to continue its reflection on its contribution to the preparatory process and the Conference.

7. In connection with the World Conference, at its previous session the Committee had raised the possibility of holding its August 2001 session in South Africa. A request for the estimated cost of holding such a session had been received and forwarded to the South African Government. An estimated additional US$ 250,000 would be required for conference services and the travel expenses of Committee members. A response on the matter was currently being awaited from the South African Government.

8. Referring to a decision taken by the Committee at its previous session, he said that the General Assembly had been requested to allow the Committee to hold its fifty-eighth session in New York. A new statement of financial implications based on the one issued previously was being prepared and would be transmitted to the relevant General Assembly organs for consideration. In theory, the matter should not pose any problems but it was necessary for the Committee to decide whether the statement should be in the form of a report or submitted as an addendum. The only period during which the meeting could take place was from 8 to 26 January 2001.

9. The Committee's agenda for the current session included a thematic discussion on discrimination against Roma. Following the request made, the Secretariat had sent a note verbale to all States parties requesting information on the issue. A summary of the responses received had been prepared and was available to Committee members, together with other materials from intergovernmental and non-governmental organizations (NGOs). Those documents were supplemented by a compilation of references to Roma issues made by the Committee and other United Nations bodies.

10. Concluding his remarks, he wished the Committee success in its work, a task which had been facilitated by the commitment shown by staff during preparatory work for the session, especially with regard to the World Conference.

11. The CHAIRMAN thanked the Chief of the Support Services Branch for the important and substantive information he had provided. It was gratifying to note that progress was being made with regard to the Committee's holding its next session in New York and that the Committee's decision was likely to be implemented in the new year.

12. On the subject of the Committee's August 2001 session, he would circulate to Committee members the reply he had received from the Ambassador of South Africa to his own letter expressing the Committee's wish to hold the session in that country. The letter would be accompanied by the statement of financial implications, which had already been forwarded to the Ambassador.

13. With regard to the proposed two-year programme designed to improve the servicing of the treaty monitoring system, he said that he had received a letter from the United Nations High

Commissioner for Human Rights concerning the latest developments. The mechanism had already been implemented to a large extent and the letter in question would be forwarded to Committee members in due course.

The meeting was suspended at 10.40 a.m. and resumed at 11.20 a.m.

ADOPTION OF THE AGENDA (agenda item 1) (CERD/C/388)

14. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

Proposed programme of work (CERD/C/57/Misc.1)

15. The CHAIRMAN said that the Committee's open-ended working group on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be convened during the first week of its session, where time permitted. If sufficient time were available, the High Commissioner for Human Rights would also attend a Committee meeting in the first part of the week so as to allow an exchange of views on the World Conference.

16. Mr. ABOUL-NASR asked whether it would not be more advisable to schedule the meeting with the High Commissioner for a later date so as to give Committee members an opportunity for prior discussion.

17. The CHAIRMAN, acknowledging that the point had its merits, said that he believed the scheduling would be tight owing to previous commitments of the High Commissioner. The Committee should therefore try to hold the open-ended working group discussion before the scheduled meeting, if time allowed.

18. Turning to the thematic discussion of discrimination against the Roma, he said that the Bureau proposed the establishment of an open-ended working group, to be convened by Mr. Diaconu, on organizational matters related to that discussion. He took it that there were no objections to the creation of the working group.

19. In 1999 the Committee had established an open-ended working group on communications, composed of Mr. Nobel, Mr. Fall and Mr. Valencia Rodriguez. It was felt that the work of the group could be enhanced by increasing its membership and the Bureau had therefore decided to invite Mr. Shahi and Mr. Bryde to join the working group.

20. Mr. Banton, who was currently absent, had put forward a proposal concerning the withdrawal of obsolete recommendations of the Committee (CERD/C/57/Misc.5). In the absence of Mr. Banton and in order to expedite discussion of that proposal, Mr. de Gouttes was invited to convene an open-ended working group to prepare for a discussion in the Committee once Mr. Banton joined the session. With those comments, he took it that the proposed programme of work was adopted.

21. It was so decided.

Twelfth meeting of persons chairing the human rights treaty bodies

22. The CHAIRMAN said that, as Vice-Chairman of the twelfth meeting, he would be chairing the thirteenth meeting in June 2001. Participants in the meeting had included the Deputy High Commissioner for Human Rights, high-level officials from the Secretariat, various chairpersons of working groups of the Commission on Human Rights, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and, through a video-conferencing arrangement, the United Nations High Commissioner for Human Rights, who had been on mission at the time. Representatives of some of the States parties had taken part as well. He had been pleased to note that the Committee was well respected among all the participants.

23. Differences in the treatment of the members of the various treaty bodies had been a subject of concern. Three of the six treaty bodies provided their experts with a modest honorarium, while the other three did not. The subject had been raised at previous meetings of the chairpersons, but to no avail, as the General Assembly had merely taken note of the situation. The twelfth meeting had therefore addressed a letter to the Secretary-General specifically requesting him to take measures to ensure that the General Assembly would rectify the situation at its forthcoming session.

24. The feeling among the chairpersons had been that the meeting had been somewhat more positive and constructive than previous ones.

25. Mr. ABOUL-NASR remarked that, during his tenure as Chairman, he had seldom felt that the meeting of the chairpersons was a particularly fruitful exercise. It had at best served as a forum for an exchange of views, with few results. The meetings had often run up against the problem of differing mandates for the various treaty bodies, for example concerning the coordination of general statements. What progress had been made in concrete terms with respect to the different entitlements to honorariums?

26. The CHAIRMAN said that the long-standing issue of honorariums had in the past been handled by the Secretariat, which had failed to tackle the problem because of procedural difficulties. It was hoped that the letter to the Secretary-General would result in an acceptable solution.

27. Mr. BOSSUYT, raising the question of the legal basis for the payment of honorariums, said that some conventions specifically provided for such payment but noted that, for example, the International Law Commission created by a resolution of the General Assembly, not by a treaty, nevertheless paid its experts; the fact that there was no provision in a convention for the payment of honorariums should not therefore be an obstacle. He believed there should at least be some analysis of the financial impact of the payment of honorariums and the nature of that payment, whether it be a lump sum or payment per day of meeting, and whether there were variations in amounts paid by various bodies.

28. The CHAIRMAN said that such documentation existed and he would request the Secretariat to distribute any relevant documents to members for their information.

29. Mr. RECHETOV said that he viewed the most important aspects of the meeting of the chairpersons as being the interest expressed in the work of the Committee and the preparations for the World Conference, which should be used to increase the prestige of the Committee. At the regional preparatory meeting held recently in Warsaw, participants had noted in their concluding document that full implementation of the Convention on the Elimination of All Forms of Racial Discrimination would solve discrimination-related problems since the Convention contained unique, specific mechanisms for that purpose and resolution of remaining problems would be possible if civil society brought those mechanisms and the Convention itself to the attention of Governments.

30. The CHAIRMAN agreed that the preparatory process should be used to promote the work of the Committee and further encourage States parties to strengthen implementation of the provisions of the Convention.

31. Mr. de GOUTTES agreed with Mr. Rechetov that much was expected of the Committee. He noted that the plan of action (HRI/MC/2000/4) on strengthening the implementation of certain human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, contained new, concrete proposals which would modify and improve the work of the Committee. It also pointed out (para. 12) that, although the treaty monitoring system was functioning reasonably well, if all States parties in fact submitted reports on time the treaty bodies would be overwhelmed. In the case of the Committee on the Elimination of Racial Discrimination, for example, with 156 States parties reporting in principle every two years, the Committee should theoretically be dealing with 76 reports per year, whereas it currently dealt with approximately 30. Perhaps the Committee should take that into account in its concluding observations when setting relatively short deadlines for States to submit their reports, given the possible effect on the Committee's workload.

32. Ms. RAADI (Representative of the Secretary-General) said that the High Commissioner for Human Rights and the Secretary-General were quite aware of the additional resources that would be required in the event of full implementation by States parties, especially since one of the objectives of the Millennium Assembly was to encourage the universal ratification of international human rights instruments. The General Assembly would be provided with information on the resources required for three different scenarios: the current situation, universal ratification but with current reporting levels, and the "ideal" situation of universal ratification and full implementation of reporting requirements. Member States would be encouraged not only to ensure universal ratification but also to provide the Secretariat with the necessary resources to deal with full implementation.

33. The CHAIRMAN said he took it that the Committee wished to take time to discuss the contents of the report on the twelfth meeting of the chairpersons of the human rights treaty bodies before the next such meeting was held.

34. It was so decided.

35. Mr. SHAHI expressed his concern at the inordinately long delays in receiving expense payments from the administration.

36. Mr. BOSSUYT said he shared Mr. Shahi's concern and noted that in the past all payments had been received before members left Geneva. Furthermore, direct payments to members' bank accounts sometimes created problems with the tax authorities and travel expense payments for the current year seemed much lower than in the past.

37. The CHAIRMAN said that the same issues had been raised at the meeting of the chairpersons who had received assurances that an attempt would be made to resolve the situation. He suggested that the officials who had addressed the meeting should be invited to appear before the Committee to respond to members' concerns.

38. Mr. ABOUL-NASR said that bank payments in foreign currency posed a problem for him in his country and that payment by cheque would be preferable. He recalled that administration officials had appeared before the Committee in the past, yet the same problems continued. He suggested, supported by Mr. RECHETOV, that, rather than take up the Committee's time, the Chairman should first meet with the officials concerned on the Committee's behalf.

39. The CHAIRMAN said he had spoken to those officials, who had promised to consult their superiors with a view to addressing members' concerns and had expressed their willingness to appear before the Committee. While he would be prepared to meet them, he felt that it would be important for them to appear before the Committee. Similar problems were encountered by members of the other treaty bodies.

The meeting rose at 12.20 p.m.